IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 5951 of 2005

Between:

1 Kovvuri Santarukimini, W/o. K. Krishna Reddy,
R/o. Chinabandirevu, Dummugudem Mandal, Khammam

District.
2 Nallamilli Venugopal Reddy, S/o. Late Narsi Reddy,
R/o. Chinabandirevu, Dummugudem Mandal, Khammam

District.

..... PETITIONERS

AND

1. The Sub Collector/Settlement Officer, Bhadrachalam,

Khammam District.
2 The Mandal Revenue Officer, Dummugudem Mandal,

Khammam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate Writ, order or direction declaring the action of the respondents in taking steps to dispossess the petitioner from petitioners peaceful possession in respect of the dry land admeasuring Ac. 2-00 (0-81 acres), Survey No. 57/1, and Ac. 1-00 (0-40 acres) in Survey No. 57/2 respectively, situated at Pedanallaballi Village, Dummugudem Mandal, Khammam district without due process of law as illegal, arbitrary and violative of Art. 14, 19 and 300-A of Constitution of India.

Counsel for the Petitioners:MR.K.MANIKYALA RAO

Counsel for the Respondent Nos.1 and 2: GP FOR SOCIAL WELFARE

The Court at the admission stage made the following O R D E R:

Petitioners seek appropriate writ or direction to declare the action of the respondents in taking steps to dispossess the petitioners from the dry land admeasuring Ac.2.00 (0-81 acres) in Sy.No. 57/1 and Ac.1.00 (0-40 acres) in Sy.No.57/2 respectively situated at Pedanallaballi village, Dummugudem Mandal, Khammam District, as illegal, arbitrary and violative of Articles 14, 19 and 300-A of the Constitution of India.

First petitioner and the mother of the second petitioner filed a petition before the Settlement Officer, Rajahmundry, under Section 9 of the Regulation 2/70 for grant of ryotwari patta in respect of the schedule lands. That petition was dismissed on the ground that the petitioners were not granted any patta by the Estate holder. Challenging the same, the petitioners preferred an appeal to the Commissioner and Director of Settlements, A.P., Hyderabad, who by order dated 02.01.2004, dismissed the appeal confirming the order passed by the Settlement Officer. As the order dated 02.01.2004 has become final, respondents are trying to dispossess the petitioners from the schedule lands. Hence this writ petition.

Learned counsel for the petitioner contended that according to Board's Standing Order 15(3)(b), a landless poor Sivai Zamadar shall not be evicted from the land upto an extent of 5.00 acres dry land and as the petitioners comes under the landless poor, they cannot be evicted.

Heard the learned Government Pleader for Social Welfare.

Admittedly, in view of the order dated 02.01.2004 passed by the Commissioner and Director of Settlements, A.P., Hyderabad, the petitioners have no right to remain in

the schedule lands. The respondents have not issued any proceedings to evict the petitioners from the scheduled lands. Respondents shall take steps to evict the petitioners, in accordance with law, if petitioners are in possession of the lands. As the right of the petitioners had not been infringed, the writ petition is totally devoid of merits and is liable to be dismissed.

Accordingly, the writ petition is dismissed at the stage of admission. No order as to costs.

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(K.C.BHANU,J)

Dt:24.03.2005

usd

To

1. The Sub Collector/Settlement Officer, Bhadrachalam,
Khammam District.
2 The Mandal Revenue Officer, Dummugudem Mandal,
Khammam District.
3 Two CCs to G.P. for Social Welfare, High Court of A.P.
Hyderabad (OUT).
4 Two CD copies.